

Att'y Dkt. No. US-1270

U.S. App. No: 09/459,573

REMARKS

Claims 45-53 were pending; claims 49-51 have been cancelled and claim 45 has been amended. Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks.

Informal Telephone Conversation of November 19, 2004

Applicant's representative sincerely appreciates the informal telephone conversation with the Examiner on November 19, 2004.

The Rejection of Claims 45-53 under 35 U.S.C. §112, 1st Paragraph

Claims 45-53 were rejected under 35 U.S.C. §112, 1st paragraph, as allegedly failing to comply with the written description requirement. This rejection was maintained in the Advisory of July 14, 2004. In particular, the Examiner alleges that there is no description of a single proline or glutamic acid excreting protein, nor, the Examiner alleges, is there any disclosure of the critical structural elements required in a polynucleotide which hybridizes to the polynucleotide of SEQ ID No. 9 under the claimed conditions.

Although applicants do not necessarily agree with the Examiner's assertions, the claims have been amended to recite the specific protein species. Therefore, the rejections both for written description and enablement should be overcome.

Therefore, applicants respectfully assert that claimed invention is fully and adequately described and enabled by the disclosure. The Examiner has informally indicated that the claims as amended would be allowed. Therefore, applicants assert that the rejections under 35 U.S.C. §112, 1st paragraph should be withdrawn and the claims

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passed to issue. Applicants respectfully request action to this effect.

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Conclusion

For at least the foregoing reasons, Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of the present patent application is therefore respectfully solicited.

If Examiner Ramirez believes that a telephone conference with the undersigned would expedite passage of the present patent application to issue, she is invited to call on the number below.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the undersigned respectfully requests that she be contacted immediately.

Respectfully submitted,

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Date: November 22, 2004